

VZCZCXYZ0001  
OO RUEHWEB

DE RUEHSK #0147 0591211  
ZNR UUUUU ZZH  
O 281211Z FEB 08  
FM AMEMBASSY MINSK  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 6962  
RUCPDOG/USDOC WASHDC

UNCLAS MINSK 000147

SIPDIS

DEPT FOR EEB/IPE BOGER  
DEPT PLEASE PASS TO USTR FOR CHOE GROVES  
COMMERCE FOR ITA/MAC/OIPR PETERS

SIPDIS

SENSITIVE

E.O. 12958: N/A  
TAGS: [KIPR](#) [ETRD](#) [ECON](#) [BO](#)  
SUBJECT: SUPPLEMENT TO BELARUS SPECIAL 301 REVIEW SUBMISSION -  
GOVERNMENT INPUT

REF: Minsk 126

Summary  
-----

1. (SBU) This cable provides supplementary information to reftel based upon a February 25 meeting at Belarus' National Center for Intellectual Property (NCIP), the competent authority in the GOB on IPR issues. NCIP leadership argued that bringing the collective rights holders association under the authority of the NCIP increased royalty payments to authors by reducing copyright infringement. NCIP's General Director said government purchasing was under control. NCIP will begin coordinating the drafting of a new law on copyright to go into effect next year and requested U.S. assistance. NCIP held up Belarus' court system for IPR matters as a model. On production issues, the Vigmaplast facility has a new agreement to produce licensed CDs. End summary.

Collective Rights Management in Good (Government) Hands  
-----

2. (SBU) Aleksey Bichurin, Head of NCIP's Center for Collective Management of Copyright and Related Rights (CCM), the successor to the independent Belarusian Authors' Association (BAA), told Acting Pol/Econ Chief that the switch in status from an independent organization to a subsidiary of NCIP provided two distinct advantages. First, CCM obtained the right to independently fine businesses ignoring requests to pay royalties. [Note: Belarusian law normally forbids non-government organizations from exercising enforcement functions, although an exception was made in the case of the pro-government trade union. End note.] As a result, users understood the necessity of complying with requests to pay royalties. CCM increased the collection of royalties by about 25% over BAA's revenues, according to Bichurin. Second, as a governmental organization, CCM paid no rent, thereby reducing overhead. [Note: In limited cases the GOB may grant independent organizations greatly reduced rent. End note.]

Government Procurement: No Specific Plans  
-----

3. (SBU) When asked about government procurement, NCIP General Director Leonid Iosifovich Voronetskiy said he would raise the question of new measures to ensure GOB offices used only licensed products. However, he notes other laws forbidding the use of unlicensed products apply to the government and everything was under control.

New Copyright Law Possible in 2009  
-----

14. (SBU) Voronetskiy said NCIP would begin drafting a new law on copyright this year, with enactment possible as early as 2009. While Belarus' current law on copyright meets all recognized international standards, according to Voronetskiy, the new law would address areas in which international law had not reached a consensus, such as protection of databases and libraries' use of intellectual property. Voronetskiy requested the opportunity to consult with U.S. specialists in drafting the new law.

#### Court System Treatment of IPR Held Up as Model

-----

15. (SBU) Natalya Aleksandrovna Barkun, NCIP Deputy Director and Chair of the Appeals Council, which serves as a specialized court for IPR matters, said Russia was considering drawing upon Belarus' experience in judging IPR cases. The Appeals Council drew its members from those with experience in hearing technical cases. The Council has decided over 500 cases, thereby establishing precedents and increasing the knowledge of judges.

#### Vigmaplast Production Facility under New Ownership

-----

16. (SBU) Bichurin admitted Vigmaplast had a checkered past. He said the plant was under new ownership as of January. The factory concluded agreements with CCM to produce licensed CDs and also signed contracts with other organizations, according to Bichurin. He also noted the plant was subject to special inspections by tax services. Furthermore, he pointed out all CDs produced had to bear holographic stickers with unique identification numbers. Voronetskiy said the efficacy of the stickers had not been verified, but an interagency meeting scheduled for early March would discuss the matter.

Stewart